

E-filed 5/9/07

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HO, et al.,

Case No. C05-04867 JF (HRL)

Plaintiff,

**ORDER RE: PLAINTIFF'S
SECOND MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
AND INFORMATION**

v.

ERNST & YOUNG, LLP,

Re: Docket No. 43

Defendant.

In this putative class action, plaintiff employee contends that defendant employer improperly treated him and other employees as "professionals" exempt from California's overtime laws. No class has yet been certified. Plaintiff moves to compel defendant to produce visa applications for putative class members.

After this motion was filed, the parties came to an agreement concerning the majority of this motion. Defendant has agreed to produce the visa applications, with some especially sensitive personal information redacted. Most of the motion is therefore moot. The only issue for the court to decide is whether employee names and addresses should be redacted.

Plaintiff wishes to be able to see the names and addresses so that he can contact putative class members to discuss their job duties. Defendant argues that disclosure of the names and addresses, in conjunction with sensitive immigration information and other personal history,

1 would violate the individuals' privacy rights. In an order filed contemporaneously with this one,
2 the court is granting plaintiff access (subject to an employee opt-out) to the entire putative class.
3 Therefore, the court sees no compelling need for plaintiff to acquire employee names and
4 addresses from the visa applications. The employees' privacy interests outweigh the plaintiff's
5 need for this seemingly redundant information. With respect to names and addresses, plaintiff's
6 motion is DENIED.

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8 **IT IS SO ORDERED.**

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10 Dated: 5/9/07

11 /s/ Howard R. Lloyd
12 HOWARD R. LLOYD
13 UNITED STATES MAGISTRATE JUDGE
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1 THIS IS TO CERTIFY THAT A COPY OF THIS ORDER WILL BE ELECTRONICALLY
2 MAILED TO:

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8 thier4@callatg.com; thier6@callatg.com

9
10 **Counsel are responsible for transmitting this order to co-counsel who have not signed up**
11 **for e-filing.**

12
13 Dated: 5/9/07

14 /s/ JMM
Chambers of Magistrate Judge Howard R. Lloyd